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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/782,661

02/18/2004

Peter C. Brusso

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02/09/2005

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EXAMINER

LABAZE, EDWYN

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/782,661

Applicant(s)

BRUSSO ET AL.

Examiner

EDWYN LABAZE

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Receipt is acknowledged of amendments filed on 1/10/2005.
2. Claims 1-6 (including new claim 6) are presented for examination.
3. This application claims the benefits of provisional application 60/448,201 filed on 02/18/2003.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tedesco et al. (U.S. 6,658,323) in view of Urquhart et al. (U.S. 6,129,275).

Re claim 1: Tedesco' 323 discloses vending machine apparatus 42 for encouraging participation in a marketing effort, comprising of means for accepting from a purchaser of food or beverage items dispensable by the installation and processing a creditable and debitable smart card (as shown in fig. # 1; col.5, lines 5+), electromechanical means for accepting currency [through the bill validator 130 or coin acceptor 125 (col.5, lines 17+); means for debiting the card [through the card reader 120, wherein a card processing equipment is incorporated at a remote location {not shown by Tedesco' 323} for validating the card based purchases] by an amount of payment for at least one of the items (col.5, lines 10+).

Tedesco'323 fails to specifically teach that the card reader through the vending machine includes means, responsive to said means for accepting, for writing on said card an amount of

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currency accepted by said electromechanical means. Urquhart et al. teaches smart card transaction system and encoder-dispenser, which includes a card reader with means for writing on said card an amount of currency accepted by said electromechanical means (as shown in fig. # 7b, 7d, 9b; col.6, lines 50+).

In view of Urquhart et al.'s teachings, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to employ into the teachings of Tedesco'323 a card reader with means of writing/encoding data on the smart card so as update the card holder account information during the financial transaction. Furthermore, such system is well known in the art [as exemplified by the examiner in US references 6,754,559 of Ikato; 6,655,587 of Andrews et al.; 6,367,696 of Inamitsu et al.] and such modification would provide means of reading the monetary card information, validate the authenticity of the card, compare the price of the items to be purchased with the amount of money available on the smart card, and deduct said amount from the monetary information stored of the card and update new available monetary/fund amount on the card. Moreover, such modification would have been an obvious extension as taught by Tedesco' 323, therefore an obvious expedient.

Re claim 2: Tedesco'323: teaches a system and method, wherein the means for accepting currency comprises a bank note acceptor (herein broadly interpreted as bill validator 130; col.5, lines 25+).

Re claim 3: Tedesco'323 discloses a system and method, further comprises means for storing [through the data storage 170] records of currency amounts accepted by the electromechanical means of the amount of payment debited from the card (col.5, lines 60+).

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Re claims 4-6: Tedesco'323 does not disclose a clearinghouse for crediting the vendor and communicate to a vendor a record of currency. However, to one skilled in the art, in order to process a credit/smart card, an authorization center {such as a bank, card issuer and the like} is involved into the validation/authentication of the card. Therefore, inherently the clearinghouse is incorporated into the teaching of Tedesco'323 and could be the card processing equipment (as disclosed by Tedesco'323, although not shown).

Response to Arguments

6. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

7.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kanoh et al. (U.S. 6,109,524) discloses automatic commodity handling apparatus utilizing IC card.

Inamitsu et al. (U.S. 6,367,696) discloses IC card processing device, automatic vending machine, and selling method.

Nelson (U.S. 6,397,126) teaches interfaced dispensing machines and remote automated payment and inventory management system.

Brooke, Jr. et al. (U.S. 6,424,884) teaches vending machine with transponder interrogator.

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Andrews et al. (U.S. 6,655,587) teaches customer-administered autoloading.

Ikato (U.S. 6,754,559) discloses automatic vending machine and sales method thereof.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDWYN LABAZE whose telephone number is (571) 272-2395. The examiner can normally be reached on 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

el

Edwyn Labaze
Patent Examiner
Art Unit 2876
February 7, 2005

DANIEL STCYR
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'D. St Cyr', is written over a horizontal line. The signature is fluid and cursive.